

# HOUSE BILL No. 1328

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 33-5-10.8.

**Synopsis:** DeKalb County superior court. Adds an additional judge to the DeKalb County superior court.

**Effective:** July 1, 2001.

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## Kruse

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January 9, 2001, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1328

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 33-5-10.8-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The court has ~~one~~  
3 ~~(1) judge~~ **two (2) judges**, who shall be elected at the general election  
4 every six (6) years in DeKalb County. ~~His~~ **A judge's** term begins  
5 January 1 following ~~his the~~ election and ends December 31 following  
6 the election of ~~his a~~ successor.  
7 (b) To be eligible to hold office as judge of the court, a person must:  
8 (1) be a resident of DeKalb County;  
9 (2) be under seventy (70) years of age at the time ~~he the person~~  
10 takes office; and  
11 (3) be admitted to the bar of Indiana.  
12 SECTION 2. IC 33-5-10.8-3 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. ~~The~~ **Each** court has  
14 the same jurisdiction as the DeKalb circuit court.  
15 SECTION 3. IC 33-5-10.8-4 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. The ~~judge~~ **judges** of



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the court ~~has~~ **have** the same powers relating to the conduct of the business of the court as the judge of the DeKalb circuit court. The ~~judge~~ **judges** of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

SECTION 4. IC 33-5-10.8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 9. ~~The~~ **Each** judge of the court shall appoint a bailiff and an official court reporter for the ~~judge's~~ **judge's** court; their salaries shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the DeKalb circuit court. Their salaries shall be paid monthly out of the treasury of DeKalb County as provided by law.

SECTION 5. IC 33-5-10.8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10. The clerk of the court, under the direction of the ~~judge~~ **judges** of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

SECTION 6. IC 33-5-10.8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. ~~The court~~ **Each judge** shall hold ~~its court~~ sessions in the DeKalb County courthouse in Auburn, Indiana, or in such other places in the county as the board of county commissioners of DeKalb County may provide. The board of county commissioners shall provide and maintain a suitable ~~courtroom~~ **courtrooms** and other rooms and facilities, including furniture and equipment, as may be necessary. The county council of DeKalb County shall appropriate sufficient funds for the provision and maintenance of such rooms and facilities.

SECTION 7. IC 33-5-10.8-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. The judge of the DeKalb circuit court may, with the consent of ~~the~~ **a** judge of the court and of the parties or their counsel, transfer any action or proceeding from the circuit court to the ~~judge's~~ **judge's** court. ~~The~~ **A** judge of the court may, with consent of the judge of the circuit court and of the parties or their counsel, transfer any action or proceeding from the ~~judge's~~ **judge's** court to the circuit court.

SECTION 8. IC 33-5-10.8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. The judge of the DeKalb circuit court may, with the consent of ~~the~~ **a** judge of the court and of the parties or their counsel, sit as a judge of the court in any matter as if he was an elected judge of the court. ~~The~~ **A** judge of the court may, with consent of the judge of the circuit court and of the parties or their counsel, sit as a judge of the circuit court in any matter

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as if he was an elected judge of the circuit court.

SECTION 9. IC 33-5-10.8-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. (a) The court has a standard small claims and misdemeanor division.

(b) If the county executive establishes the position of small claims referee to serve the court, the ~~judge~~ **judges** of the court may appoint a part-time small claims referee under IC 33-5-2.5 to assist the court in the exercise of its small claims jurisdiction.

(c) The small claims referee is entitled to reasonable compensation not exceeding twenty thousand dollars (\$20,000) a year as recommended by the ~~judge~~ **judges** of the court to be paid by the county after the salary is approved by the county fiscal body. The state shall pay fifty percent (50%) of the salary set under this subsection and the county shall pay the remainder of the salary.

(d) The county executive shall provide and maintain a suitable courtroom and facilities for the use of the small claims referee, including necessary furniture and equipment.

(e) The court shall employ administrative staff necessary to support the functions of the small claims referee.

(f) The county fiscal body shall appropriate sufficient funds for the provision of staff and facilities required under this section.

SECTION 10. IC 33-5-10.8-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) If the transcript of the original papers in a civil action or proceeding received by the clerk of the circuit and superior courts of DeKalb County on change of venue from another county contains an order of the court from which venue was changed designating the circuit court or the superior court as the court to which the case is to be transferred, the clerk shall file the action or proceeding on the docket of the designated court.

(b) If the transcript of the original papers in a civil action or proceeding contains no order designating the court to which the case is to be transferred, the clerk shall alternately file each action or proceeding on the docket of the circuit court and the docket of the superior court, depending on the order and sequence in which the papers of the cases reach the clerk. ~~so that if the first case is assigned to the circuit court, the next must be assigned to the superior court.~~

SECTION 11. [EFFECTIVE JULY 1, 2001] **(a) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge added to the DeKalb superior court by IC 33-5-10.8-2, as amended by this act.**

**(b) The term of the initial judge appointed under subsection (a) begins January 1, 2002, and ends December 31, 2004.**

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1           (c) The initial election of the judge of the DeKalb superior court  
2 added by IC 33-5-10.8-2, as amended by this act, is the general  
3 election on November 2, 2004. The term of the initially elected  
4 judge begins January 1, 2005.

5           (d) This SECTION expires January 2, 2005.

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